

REMARKS

In response to the Office Action mailed April 29, 2005, Applicants respectfully request reconsideration. Claims 1-15 were previously pending in this application. By this amendment, Applicants are canceling claim 14 without prejudice or disclaimer and amending claims 1, 9, and 15. As a result, claims 1-13 and 15 are pending for examination and the application as presented is believed to be in condition for allowance.

The Office Action rejected claims 1-15 under 35 U.S.C. §102(e) as purportedly being unpatentable over Hendrickson (6,328,308). Applicants respectfully disagree with this rejection.

Claim 1

Claim 1, as amended, is directed to a method for sorting a plurality of items, to each of which a sequence number is assigned, into a predetermined sorted sequence using a plurality of sorting regions, including for each sort, at least one initial sorting region, and at least two additional sorting regions, at least one of the additional sorting regions functioning as a return region, the items being initially located, in an unsorted order, in the at least one initial sorting region. The method comprises acts of: sorting the items in each at least one initial sorting region into an intermediary sorted set by moving at least some of the items in the at least one initial sorting region between the at least one initial sorting region and at least two of the additional sorting regions; and sorting the items within each intermediary sorted set by moving at least some of the items to the return region in substantially the predetermined sorted sequence.

At paragraph 2 on page 2, the Office Action asserts that Hendrickson discloses the limitations of claim 1 at column 14, starting at line 4 and in Figures 19A-19L. Applicants respectfully disagree. Hendrickson does not disclose or suggest that the items in the initial sorting regions are initially in an unsorted order and further fails to disclose or suggest sorting the items in each at least one initial sorting region into an intermediary sorted set by moving at least some of the items in the at least one initial sorting region between the at least one initial sorting region and at least two of the additional sorting regions, as recited in claim 1.

That is, as shown in Figures 19A-19L of Hendrickson, the items in each tower are initially in sorted order. Thus, Hendrickson does not disclose or suggest sorting the items in each tower into an intermediary sorted set. Rather, in Hendrickson, the items are loaded into each

tower in sorted order, thus the items in each tower are initially in a sorted order and, thus, there is no need for the sorting algorithm of Hendrickson to sort the items in each tower into an intermediary sorted set.

Indeed, as described at column 6, lines 51-56, Hendrickson discloses that mail fed to the apparatus through feeder module 10 is loaded in the staging towers in sorted order by sending each piece of mail (i.e., flat) to the staging tower that has the closest, lower number flat. If there is no tower that fits this requirement, the flat is inducted into the first empty tower.

Because Hendrickson discloses that items are loaded into the staging towers in sorted order, the sorting algorithm of Hendrickson does not sort the items in each staging tower into an intermediary sorted set. Thus, Hendrickson does not disclose or suggest that the items in the initial sorting regions or initially in an unsorted order, as recited in amended claim 1. Further, Hendrickson fails to disclose or suggest, "sorting the items in each at least one initial sorting region into an intermediary sorted set by moving at least some of the items in the at least one initial sorting region between the at least one initial sorting region and at least two of the additional sorting regions," as also recited in claim 1.

Thus, claim 1 patentably distinguishes over Hendrickson. Accordingly, it is respectfully requested that the rejection of claim 1 under 35 U.S.C. §102(e) be withdrawn. Claims 2-8 depend from claim 1 and are patentable for at least the same reasons. Accordingly, it is respectfully requested that the rejection of claims 2-8 under 35 U.S.C. §102(e) be withdrawn.

Claim 9

Claim 9, as amended, is directed to an apparatus for sorting a plurality of items comprising: a plurality of sorting regions, wherein the plurality of sorting regions comprise for each sorting at least one initial region in which items are initially located in an unsorted order, at least one return region in which items are located after completion of sorting and at least one additional region used in the sorting; a first mechanism for physically moving at least one item between at least two selected sorting regions; a second mechanism for physically moving at least one item between positions within each sorting region; an item location tracking mechanism; and a controls operative for controlling the first and second mechanisms to move the items into a predetermined sorted sequence at least partly in response to the tracking mechanism.

As should be clear from the discussion above, Hendrickson fails to disclose or suggest an apparatus having at least one initial region in which items are initially located in an unsorted order. Rather, in Hendrickson, the items in the staging towers are initially in sorted order.

Thus, claim 9 patentably distinguishes over Hendrickson. Accordingly, it is respectfully requested that the rejection of claim 9 under 35 U.S.C. §102(e) be withdrawn. Claims 10-13 depend from claim 9 and are patentable for at least the same reasons. Accordingly, it is respectfully requested that the rejection of claims 10-13 under 35 U.S.C. §102(e) be withdrawn.

Claim 15

Claim 15 is directed to an apparatus for sorting a plurality of items comprising: a plurality of sorting regions, wherein the plurality of sorting regions comprise for each sorting at least one initial region in which items are initially located in an unsorted order, at least one return region in which items are located after completion of sorting and at least one additional region used in the sorting; means for physically moving at least one item between at least two selected sorting regions of the plurality of sorting regions; means for physically moving at least one item between positions within each of the plurality of sorting regions; means for tracking the location of items; and means operative at least partly in response the tracking mechanism for controlling the first and second mechanisms to reposition items into a predetermined sorted sequence.

As should be clear from the discussion above, Hendrickson fails to disclose or suggest an apparatus having at least one initial region in which items are initially located in an unsorted order. Rather, in Hendrickson, the items in the staging towers are initially in sorted order.

Thus, claim 15 patentably distinguishes over Hendrickson. Accordingly, it is respectfully requested that the rejection of claim 15 under 35 U.S.C. §102(e) be withdrawn.

CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,
Patrick J. Fitzgibbons et al., Applicant(s)

By: *Randy J. Pritzker*
Randy J. Pritzker, Reg. No. 35,986
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2206
Telephone: (617) 646-8000

Docket No.: L0562.70046US00
Date: 8/11/05
x07/29/05x